IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition No. 204 (M/B) of 2006

Harpal Singh Rawat S/o Dhyan Singh Rawat,
R/o Village Navar Khera (Gaulapar)
Post Office Kathgodam, Tehsil Haldwani, Distt. Ninital

……. Petitioner

Versus

1. State of Uttaranchal through its Secretary Public Works Department, Dehradun
2. Executive Engineer Nirman Khand, Public Works Department, Haldwani, District Nainital
3. Commissioner, Kumaon Division, Nainital
4. Sub Registrar Stamp (Registration) Haldwani, Distt. Nainital

…….Respondents

Sri B.P.S. Mer, learned counsel for the petitioner.
Learned standing counsel for the respondents.

Hon'ble P.C. Verma, J.
Hon'ble B.C. Kandpal, J.

Dated: March 10, 2006

By means of this writ petition, the petitioner has prayed for writ of certiorari quashing the order dated 25.02.2006 (Annexure No.2) passed by Respondent No.2 and further a writ of mandamus commanding the respondent not to demand/realize stamp duty on the earnest money/security deposit the money of contract as demanded on the basis of the Government instructions and the respondents may be directed to demand stamp duty in pursuance of the direction in the case of Tejveer Singh Vs. State of U.P. and others reported in 1997 (29) ALR Page 687 as well as judgment passed by this Court in Writ Petition No. 1020/2004 (M/B), Naresh Agarwal Vs. State of Uttaranchal.

2 A Division Bench of this Court has also followed the aforesaid judgment, which is referred in the

prayer clause of the present writ petition. The controversy raised in the writ petition is squarely covered by the aforementioned judgment as submitted by learned Addl. Chief Standing Counsel. Therefore, the writ petition is disposed of in terms of the aforementioned judgment of Hon'ble Allahabad High Court.

(B.C. Kandpal, J.) **(P.C. Verma, J.)**

Rajeev Dang